

In re Application of HEILBRON et al.  
Serial No. 09/609,001

### **REMARKS**

The Office action has been carefully considered. The Office action rejected claims 1, 13, 22, and 25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,834,372 B1 to Becker et al. ("Becker"). Further, the Office action rejected claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over Becker in view of U.S. Patent No. 6,405,192 B1 to Brown et al. ("Brown"). Additionally, the Office action has rejected claims 1, 13, 22, and 25 under 35 U.S.C. §112 for failing to comply with the written description requirement, alleging introduction of new matter. Applicants respectfully disagree.

By present amendment, claims 1, 13, 22, and 25 have been amended for clarification and not in view of the prior art. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Applicants thank the Examiner for the interview held (by telephone) on May 31, 2006. During the interview, the Examiner and applicants' attorney discussed the claims with respect to the prior art. The essence of applicants' position is incorporated in the remarks below.

Prior to discussing reasons why applicants believe that the claims in this application are clearly allowable in view of the teachings of the cited and applied references, a brief description of the present invention is presented.

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The present invention is directed to a system and method for retrieving information about web pages before committing to downloading the web pages. A user of a browser may decide whether or not to pursue a link based on information that is displayed when the user maneuvers a cursor over the link with an input pointing device. Maneuvering a cursor over a link is sometimes referred to as "mousing over" a link or "hovering" over a link. In this manner, the user of the browser may read information displayed in an information region typically near the moused-over link in order to decide whether to pursue the link based on the displayed information, such as title, keywords, prior browsing history, or other links within the linked web page.

For example, when an initial web page is first fetched, the contents of the initial web page are parsed and displayed through a browser in a well-known manner. Then, each of the links in the initial web page is identified and contemporaneous information about each of the web pages corresponding to the identified links is obtained from the web pages. That is, current information is fetched directly from the linked web pages on the current web page. Thus, actual current information is retrieved from each linked web page and stored in a database of information. One example of current information may be when the last time any modification to the linked web page took place. This contemporaneous (or current) information may be stored and/or updated in a separate local cache, a proxy cache, or a localized server such that the information collected for each of the linked web documents is easily retrieved.

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In addition to having current information for gleaning data therefrom, the system may further utilize historical relational information. Such historical relational information includes at least one relationship between a user and the linked web page. Examples of historical relational information may be a user's last visit to the linked web page, the total number of times that a user has visited the linked web page, or the likelihood, based on a user's history, that the user will find the linked page useful. The historical relational information may also be updated, modified, or replaced based on the newly fetched current information.

Having both current information and historical information about a link, the browser may present a variety of kinds of information to a user. For example, information may be displayed about when the last time a user visited a link (based upon data stored in the historical database) as well as the last time the web page was modified (based upon current information retrieved directly from the link). Thus, a user may decide to visit the link because it has quickly been identified as having been modified since the last time visited.

After the browser's fetching of any current information about the linked web page itself and the assembling of any relational information about the linked web page, a user may maneuver a cursor, e.g., as controlled by the mouse, to hover over one of the identified links. Then, an information region containing both the current fetched information that corresponds to that particular link and the retrieved historical relational information may be displayed near the link together in the form of relational information assembled from both. Thus, the user may make a more informed decision about whether or not to follow the link. Note that the above

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description is for example and informational purposes only, and should not be used to interpret the claims, which are discussed below.

**§112 Rejections**

The Office action rejected claims 1, 13, 22, and 25 for failing to comply with the written description requirement. More particularly, the Office action contends that the recitations of “contemporaneous information” and “newly generated historical information” are not supported by the specification. Applicants respectfully disagree.

With regard to “contemporaneous information” this recitation has been amended out of the claims that are pending. Instead, these claims refer to “current information.” In this respect, both contemporaneous and current information refer to information that is retrieved from links on a web page in conjunction with the fetching of that page. Thus, when the system of the present invention parses each link on the current web page, information from each linked web page is also retrieved. In the specification and in the claims, this information is at least once referred to as “up-to-date” (see *e.g.*, specification page 12 line 9); other examples of current information (that may be thought of as contemporaneous) are set forth in the specification on page 13, line 22 to page 14, line 2. Note that the term “current” represents such information well, and moreover is a useful term because it helps distinguish such information from historical information that is stored in a database about a user’s previous browsing history (see *e.g.*, specification page 13, lines 9-11). Clearly, the specification is replete with support for this distinction and the

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words chosen in this and previous amendments are a reasonably supported manner in which to express these disclosed concepts.

Similarly, with regard to "newly generated historical information," applicants submit that this is also another reasonable manner of expressing the concepts disclosed in the specification. In the specification and in the claims, newly generated historical information refers to additions to the historical database (e.g., last time page was visited, whether the linked web page has changed since last visit, and so forth; see page 14, lines 1 and 2); such information clearly needs to be newly generated for saving in the historical database each time it changes, otherwise the database would be out of date. Such historical information is distinguished from current information that is retrieved from each linked web page when the current web page is parsed, and is thus consistent with the above terminology. Again, the specification is replete with support for this distinction, (for example, see the drawings from FIG. 7A onward and the accompanying text describing updating the summary and storing it in the database), and the words chosen in this and previous amendments are simply a reasonable manner in which to express these disclosed concepts. Applicants respectfully request that the §112 rejections be withdrawn.

#### §102 Rejections

Turning to the §102 rejections, independent claim 1, as amended, generally recites a client-side computer-implemented method comprising fetching a current web page, the current web page including one or more links, each link pointing to a

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web page, fetching current information from each linked web page, the information regarding the web page to which each link points, wherein the fetching comprises accessing each linked web page and retrieving information from each linked web page such that current information is then stored separately from the current web page once fetched, assembling relational information based on the fetched information from each linked web page and based on previously stored historical information, the relational information including at least one newly generated historical relationship between the current fetched information and the previously stored information regarding a user of the client-side computer, displaying the current web page, and displaying an informational region in response to a cursor hovering over a particular link of the one or more links, the region including the current information previously fetched regarding the web page to which the link points and the relational information previously assembled.

The Office action rejected claim 1 as being anticipated by Becker. More specifically, the Office action contends that Becker teaches fetching a current web page, the current web page including one or more links, each link pointing to a web page. Column 8, lines 58-67 of Becker is primarily referenced. Further, the Office action contends that Becker teaches fetching contemporaneous information regarding the web page to which each link points, wherein the information is stored separately from the current web page. Again, column 8, lines 58-67 of Becker is primarily referenced. Further yet, the Office action contends that Becker teaches assembling relational information based on the fetched information the relational information including at least one newly generated historical relationship between

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the contemporaneously fetched information and the previously stored information regarding a user of the client-side computer. Column 2, lines 14-17 and column 8, lines 58-67 of Becker are primarily referenced. Still further, the Office action contends that Becker teaches displaying the current web page. Column 1, line 66 to column 20 of Becker is primarily referenced. Finally, with respect to claim 1, the Office action contends that Becker teaches displaying an informational region in response to a cursor hovering over a particular link of the one or more links, the region including the contemporaneous information previously fetched regarding the web page to which the link points and the relational information previously assembled. Column 2, lines 14-17 of Becker is primarily referenced.

Applicants respectfully disagree.

Becker, in general, discloses a system and method for presenting a certain kind of historical information about hyperlinks shown on web pages. In one disclosed method, the system accesses a database that stores past web browsing data about a particular group of users. In particular, when a user mouses over a hyperlink, the database may be accessed and certain information, such as whether or not the user has visited the web page before, may be displayed. Becker, however, does not teach actually accessing or fetching any information from the web page to which the hyperlink is pointing. That is, under no circumstance disclosed does Becker ever retrieve any current or contemporaneous information directly from the linked web page by accessing the linked web page. All information retrieved comes from a database about previous visits. As such, Becker does not distinguish between historical information and current information

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and thus cannot generate any new information based on these two sets of information. Becker even admits as much by specifically stating that if a user has never previously selected a hyperlink, no action is taken. See column 2, lines 10-11 of Becker. This is precisely because there is no current information retrieved from the linked web page.

In direct contrast, claim 1 recites fetching current information from each linked web page, wherein the fetching comprises accessing each linked web page and retrieving information from each linked web page such that current information is then stored separately from the current web page once fetched. Becker does not fetch any current information. All information accessed in Becker is retrieved directly from an historical database which only consists of information previously stored and is not current. Thus, Becker is deficient in what kinds of information it may display. For example, Becker cannot decipher or display any information about whether or not the linked web page has changed since the user's last visit. This deficiency exists precisely because no current information is fetched directly from the linked web page. Clearly, Becker does not teach retrieving current information from the linked web page or pages.

Furthermore, claim 1 recites assembling relational information based on the fetched information from each linked web page and based on previously stored historical information. That is, both current and historical information is used to produce relational information such as whether or not the linked web page has changed since the user's last visit. Since Becker does not retrieve any current information, it cannot possibly assemble relational information that is based on both



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historical information and current information. For at least these reasons, applicants submit that claim 1 is allowable over the prior art of record.

With regard to independent claims 13, 22, and 25, the Office action has rejected these claims as also being anticipated by Becker. However, instead of citing the specific language of these claims in congruence with specific references to Becker, the Office action has grouped these rejections into the same rejection basis as claim 1. Regardless, applicants respectfully disagree.

Applicants submit that claims 13, 22, and 25 include at least similar recitations to claim 1 that are simply not taught by Becker. For example, claim 13 recites fetching current information from each linked web page, the information regarding the web page to which each link points, wherein the fetching comprises accessing each linked web page and retrieving information from each linked web page such that current information is then stored separately from the current web page once fetched. Similarly, claim 22 recites at least one client, each client able to browse web pages such that fetching of a web page having one or more linked web pages from at least one first entity causes the fetching of current information from each of the one or more linked web pages about the one ore more linked web pages from at least one second entity. Without detailing here, claim 25 also recites similar language.

As shown above, Becker does not teach retrieving current information from each linked web page. All fetched and/or retrieved information comes from a database of previously assembled information, *i.e.*, historical data. Retrieving historical data from a database is not the same as retrieving current information

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from the actual web page. Claims 13, 22, and 25 all recite some manner of retrieving current data from each linked web page, thus, these claims are allowable over the prior art of record for at least these reasons.

### §103 Rejections

The Office action also rejected all pending claims as being unpatentable over Brown in view of Becker. Turning to claim 1 again, the Office action rejected claim 1 as being unpatentable over Brown in view of Becker. More specifically, the Office action contends that Brown teaches fetching a current web page, the current web page including one or more links, each link pointing to a web page. Column 2, lines 15-17, column 6, line 20, column 6, line 66 to column 7, line 2, module 610 of FIG. 6 and module 720 of FIG. 7A of Brown are referenced. Further, the Office action contends that Brown teaches fetching information regarding the web page to which each link points, wherein the information is stored separately from the current web page. Column 2, lines 15-17 and column 6, lines 21-27 of Brown are referenced. Further yet, the Office action contends that Brown teaches assembling relational information based on the fetched information. Column 2, lines 15-17, column 6, lines 21-27, and column 7, lines 3-16 of Brown are referenced. Still further, the Office action contends that Brown teaches displaying the current web page. Again, Column 2, lines 15-17, column 6, line 20, and column 6, line 66 to column 7, line 2, module 610 of FIG. 6 and module 720 of FIG. 7A of Brown are referenced. Finally, with respect to claim 1, the Office action contends that Brown teaches displaying an informational region in response to a cursor hovering over a

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particular link of the one or more links, the region including the information previously fetched regarding the web page to which the link points and the relational information previously assembled. Column 9, lines 46-59 of Brown is referenced.

The Office action concedes that Brown does not teach the relational information including at least one historical relationship between the fetched information and a user of the client-side computer. However, the Office action maintains that Becker does teach this limitation and concludes that one skilled in the art at the time the invention was made would have found obvious the recitations for claim 1 because avoiding the pitfalls of selecting certain hyperlinks ultimately helps computer users improve their time efficiency while utilizing the Internet. Applicants respectfully disagree.

To establish *prima facie* obviousness of a claimed invention, all of the claim recitations must be taught or suggested by the prior art; (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)), and "all words in a claim must be considered in judging the patentability of that claim against the prior art;" (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). Further, if prior art, in any material respect teaches away from the claimed invention, the art cannot be used to support an obviousness rejection. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed Cir. 1997). Moreover, if a modification would render a reference unsatisfactory for its intended purpose, the suggested modification / combination is impermissible. See MPEP § 2143.01.

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Applicants submit that a *prima facie* case for obviousness has not been met and/or cannot be maintained. Significantly, Brown and Becker do not teach or suggest the concept of fetching current information and generating a new historical relationship based on both the newly fetched current information and previously stored historical information. As was shown above, Becker simply does not teach anything with respect to retrieving current information about linked web pages. Similar deficiencies on Brown also exist as discussed below.

Brown is directed, generally, to a system and method for browsing the Internet such that when a web page is being presented, a background thread is able to parse the web page for a set of links. Each web page linked to the initial web page is then retrieved, and then also parsed for one or more items matching a user's predetermined set of criteria. For example, a user may wish to parse each linked web page to find any reference to "puppy dogs". As such, when references are found that match the user's criteria, the initial web page is actually changed to indicate that criteria has been matched. For example, if a linked web page was found to be all about puppy dogs, the link to that web page on the initial web page may blink brightly or become larger than normal. Brown, however, falls short of anything at all related to dealing with historical information.

In essence, the Office action is presenting Brown as an example of prior art that retrieves current information from linked web pages, but admits that Brown does not teach storing and handling historical information. In turn, the Office action contends that Becker teaches storing and retrieving historical information, but (as clearly shown above) does not teach retrieving any kind of current information from

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linked web pages. Thus, it is simply impossible for either of these references to then teach assembling relational information that is based on both current information retrieved from the linked web pages and historical information that is stored regarding the linked web pages. In terms of claim 1, no prior art of record teaches assembling relational information based on the current fetched information from each linked web page and based on previously stored historical information.

Furthermore, the Office action attempts to combine these references together to support a conclusion that it would have been obvious to do so despite the fact that these references teach directly away from each other (for example, Becker teaches that if a user has never previously selected a hyperlink, no action is taken). The conclusion of obviousness is overly broad and conclusory. Such broad, conclusory statements do not come close to adequately addressing the issue of motivation to combine, are not evidence of obviousness, and therefore are improper as a matter of law. *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Further, if anything, the references teach away from such a combination, as discussed above.

Further yet, the Office action is impermissibly using hindsight reasoning gleaned from applicants' teachings to combine these references by citing a motivation to combine that solves a problem that neither of the references contemplates or addresses. As a matter of law, obviousness may not be established using hindsight obtained in view of the teachings or suggestions of the applicants. *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 1553, 220 USPQ 303, 311, 312-13 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

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To guard against the use of such impermissible hindsight, obviousness needs to be determined by ascertaining whether the applicable prior art contains any suggestion or motivation for making the modifications in the design of the prior art article in order to produce the claimed design. The mere possibility that a prior art teaching could be modified or combined such that its use would lead to the particular limitations recited in a claim does not make the recited limitation obvious, unless the prior art suggests the desirability of such a modification. See *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Applicants submit that claim 1 is allowable over the prior art of record for at least the foregoing reasons.

Applicants respectfully submit that dependent claims 2-12 by similar analysis are allowable. Each of these claims depends either directly or indirectly from claim 1 and consequently includes the recitations of independent claim 1. As discussed above, Brown and Becker, whether considered individually or in any permissible combination with each other or any other prior art of record, fail to teach or suggest the recitations of claim 1 and, therefore, these claims are also allowable over the prior art of record. In addition to the recitations of claim 1 noted above, each of these dependent claims includes additional patentable elements.

As but one example, claim 6 recites that the relational information includes at least information based on a user's relationship to the web page. As discussed above, Brown simply does not teach or even show any appreciation of the concept of historical relational information let alone a user's relationship to a web page as recited in claim 6. Becker does not cure this deficiency, as Becker cannot generate

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any new historical relationships based on current information. Applicants submit that for at least this additional reason, claim 6 is allowable over the prior art of record.

Turning to the next independent claim, amended claim 13 recites a machine-readable medium having instructions stored thereon for execution by a client processor to perform a method comprising fetching a current web page, the current web page including one or more links, each link pointing to a web page, fetching current information from each linked web page, the information regarding the web page to which each link points, wherein the fetching comprises accessing each linked web page and retrieving information from each linked web page such that current information is then stored separately from the current web page once fetched, assembling relational information based on the current fetched information from each linked web page and based on previously stored historical information, the relational information including at least one newly generated historical relationship between the contemporaneously fetched information and the previously stored information regarding a user of the client-side computer, displaying the current web page, and displaying an informational region, in response to a cursor hovering over a particular link of the one or more links, the region including the current information previously fetched regarding the web page to which the link points and the relational information previously assembled..

The Office action rejected claim 13 as being unpatentable over Brown in view of Becker, for identical reasons to those that the Office action detailed in the rejection of claim 1. However, claim 13 is somewhat similar to claim 1, and thus for

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at least the same reasons discussed above with respect to claim 1, claim 13 is allowable over the prior art of record.

Further, applicants respectfully submit that dependent claims 14-21 are allowable. Each of these claims depends either directly or indirectly from claim 13 and consequently includes the recitations of independent claim 13. As discussed above, Brown and Becker, whether considered individually or in any permissible combination with each other or any other prior art of record, fail to teach or suggest the recitations of claim 13 and, therefore, dependent claims 14-21 are also allowable over the prior art of record. In addition to the recitations of claim 13 noted above, each of these dependent claims includes additional patentable elements.

Turning to the next independent claim, amended claim 22 recites, a computerized system comprising at least one first entity storing web pages, at least one second entity separate from the first entity storing information regarding the web pages, and at least one client, each client able to browse web pages such that fetching of a web page having one or more linked web pages from at least one first entity causes the fetching of current information from each of the one or more linked web pages about the one or more linked web pages from at least one second entity and causes the assembling of relational information based on the current fetched information and based on previously stored historical information, the relational information including at least one newly generated historical relationship between the current fetched information and the previously stored information regarding a user of the client-side computer, the and the client further



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operable such that positioning of a cursor over a link of a current web page causes display of an informational region including information regarding a web page to which the link points as stored on the at least one second entity and causes display of the assembled relational information.

The Office action rejected claim 22 as being anticipated by Brown. Again, the Office action presented identical reasons in the rejection of claim 22 as were presented for the rejection of claim 1. Applicants respectfully disagree.

As correctly acknowledged by the Office action, nowhere does Brown teach the concept of assembling historical relational information between the linked web pages and the user. Notwithstanding whether the contention that Becker may teach assembling some kind of historical data with regard to a user and a particular web site has any merit, Becker falls short of teaching or even suggesting generating a new relationship each time a user may come into contact with a particular web page such that the new relationship is based on not only the previously stored historical relationship but also currently retrieved new information. That is, neither Brown nor Becker teaches or suggests the concept of assembling relational information based on the current fetched information and based on previously stored historical information, the relational information including at least one newly generated historical relationship between the current fetched information and the previously stored information regarding a user of the client-side computer as recited in claim 22.

In essence, the Office action is presenting Brown as an example of prior art that retrieves current information from linked web pages, but admits that Brown

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does not teach storing and handling historical information. In turn, the Office action contends that Becker teaches storing and retrieving historical information, but (as clearly shown above) does not teach retrieving any kind of current information from linked web pages, and in fact teaches against doing so. Thus, it is simply impossible for either of these references to then teach assembling information that is based on both current information retrieved from the linked web pages and historical information that is stored regarding the linked web pages. In terms of claim 22, no prior art of record teaches assembling relational information based on the current fetched information from each linked web page and based on previously stored historical information.

Furthermore, the Office action attempts to combine these references together to support a conclusion that it would have been obvious to do so despite the fact that these references teach directly away from each other. The conclusion of obviousness is overly broad and conclusory. Such broad, conclusory statements do not come close to adequately addressing the issue of motivation to combine, are not evidence of obviousness, and therefore are improper as a matter of law. *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Further yet, the Office action is impermissibly using hindsight reasoning based solely on applicants' teachings to combine these references by citing a motivation to combine that solves a problem that neither of the references contemplates or address. As a matter of law, obviousness may not be established using hindsight obtained in view of the teachings or suggestions of the applicants.

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*W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 1553, 220 USPQ 303, 311, 312-13 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

Applicants submit that claim 22 is allowable over the prior art of record for at least the foregoing reasons.

Applicants respectfully submit that dependent claims 23-24 by similar analysis are allowable. Both of these claims depend directly from claim 22 and, consequently, include the recitations of independent claim 22. As discussed above, Brown and Becker, whether considered individually or in any permissible combination with each other or any other prior art of record, fail to teach or suggest the recitations of claim 22 and, therefore, these claims are also allowable over the prior art of record. In addition to the recitations of claim 22 noted above, each of these dependent claims includes additional patentable elements.

Turning to the last independent claim, amended claim 25 recites a computerized system comprising, at least one first entity capable of storing web pages, at least one second entity capable of providing summaries of the web pages, wherein the summaries include at least one historical relationship between a user of the first entity and a web page stored on the first entity, at least one third entity capable of providing for a given web page stored by the first entity, a list of all links on the web page and for each of the links, the corresponding summary, provided by the second entity; and at least one client, each able to browse web pages such that fetching of a web page from the at least one first entity causes fetching current information provided by the third entity and such that positioning of a cursor over a link of a current web page causes display of an informational region

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including at least one newly generated historical relationship that is based on previously stored historical information and the current fetched information regarding a web page to which the link points.

The Office action rejected claim 25 as being anticipated by Brown. Again, identical reasons were given in the rejection of claim 25 as were given for the rejection of claim 1. Applicants respectfully disagree.

Once again, as correctly acknowledged by the Office action, nowhere does Brown teach the concept of assembling relational information between the linked web pages and the user. Regardless of whether Becker may or may not teach assembling some kind of historical data with regard to a user and a particular web site, the fact remains that Becker falls short of teaching or even suggesting generating any new relationships when a user may come into contact with a particular web page such that the new relationship is based on not only the previously stored historical relationship but also current retrieved new information. This is because Becker does not teach gathering any new current information from the newly accessed web page or web pages. In fact, Becker teaches the opposite, namely to do nothing upon encountering a link that has no past history with the user.

In terms of claim 25, neither Brown nor Becker teaches or suggests fetching current information provided by the third entity and such that positioning of a cursor over a link of a current web page causes display of an informational region including at least one newly generated historical relationship that is based on previously stored historical information and the current fetched information

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regarding a web page to which the link points. For at least these additional reasons, applicants submit that claim 25 is allowable over the prior art of record.

For at least the foregoing reasons in the remarks, applicants submit that all the claims are patentable over the prior art of record. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested and timely allowance of this application is earnestly solicited.

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### CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-25 are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



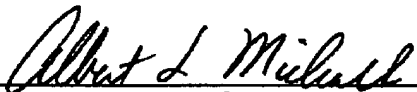
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment, along with transmittal and facsimile cover sheet, are being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown below:

Date: June 29, 2006

  
Albert S. Michalik

2920 Fifth Amendment